





LIBRARY
OF THE
UNIVERSITY
OF ILLINOIS

J. Talbot

from the Author

THOUGHTS
ON
THE SEPARATION
OF
Church and State.



THOUGHTS
ON
THE SEPARATION

OF
Church and State.

BY THE
REV. EDWARD BURTON, D.D.,

REGIUS PROFESSOR OF DIVINITY IN THE UNIVERSITY OF OXFORD,
AND CANON OF CHRIST CHURCH.

LONDON :
ROAKE AND VARTY, 31, STRAND ;
J. H. PARKER, OXFORD ; AND
J. AND J. J. DEIGHTON, CAMBRIDGE.

1834.

UNIVERSITY OF CHICAGO

THE UNIVERSITY OF CHICAGO

THE UNIVERSITY OF CHICAGO

THE UNIVERSITY OF CHICAGO

THE UNIVERSITY OF CHICAGO



THOUGHTS,

ETC. ETC.

THE question of Church Reform, which has amused so many writers, and wearied so many readers, for the last two or three years, appears to be now giving way to a question of still more extensive interest—the separation of the Church from the State. Some bodies of Dissenters have expressed their determination to demand this separation, and not to desist from agitation until it be effected. I have also met with persons who are called “extremely high church,” who denounce the present connexion between Church and State as an unholy union, and who feel it a solemn duty to pray for their separation. When extremes are thus seen to meet, we may, perhaps, suspect that the two parties, though using the same terms, do not really mean the same thing; or that, at least, they desire the same object from very different motives, and with very different expectations. I propose, therefore, to consider what is meant by a separation of the Church from the State: in doing

which, I shall confine myself principally to the steps which would be necessary or desirable for effecting the separation, and to the consequences which would be likely to ensue.

That the Church is united to the State, and that it derives peculiar advantages from the union, is openly asserted by Dissenters, and is admitted by some persons at least of all parties: and it would, perhaps, appear not only unreasonable, but absurd, to demand a proof of either of these points. I do, however, demand it. With respect to the first of the two points, I call upon Dissenters to point out the act or acts which united the Church with the State, and to mark the time at which they became united: and as to the second, I assert that, so far from the Church being favoured by any connexion with the State, she labours under disadvantages from the interference of the legislature, which no other church in Christendom has experienced, and which no other church would tolerate.

That the Church of England is a parliamentary church, was asserted, for the first time, by Roman Catholic writers, who employed their pens in attacking it at the time of its Reformation. This is an important fact, because it narrows the ground of dispute between modern Romanists and ourselves; and because it proves us to be of one mind as to the nature of the connexion between Church and State before the Reformation. When the Romanists called the Church of England, as it

existed in the days of Henry VIII. or Edward VI. a parliamentary church, they applied the epithet as a reproach ; and they meant to say, that the Church of England before the Reformation was not a parliamentary church. They were, undoubtedly, right : and if Dissenters should say in the present day, that the union between Church and State depends upon Acts of Parliament, or upon any compact which Parliament is able to dissolve, our Roman Catholic brethren will, I trust, join with ourselves in exposing the ignorant falsehood.

It might, perhaps, be true in one sense to say, that the State united itself with the Church in this country : and it is important to remember, that the Church of England existed for centuries before there was any *State*, to which it could unite itself. A Church or body of Christians existed in this country, and was governed by Bishops, Priests, and Deacons, not only for many centuries before Unitarians, or Quakers, or Infidels were allowed to sit in Parliament, but for many centuries before Parliament itself was thought of. There is great reason to think, that Christianity was introduced into this island in the first century : and there is positive evidence, that it had spread very widely in the second century, while the government was still Pagan. In the fourth century we read of Bishops from British churches attending Councils in different parts of Europe : and no fact in his-

tory is more demonstrable, than that the Episcopal form of Church Government prevailed at that time in Britain, as it did in the whole of Christendom. If we ask why our British ancestors preferred an Episcopal Church, we shall be drawn into the controversy concerning Episcopacy, for which I have no fancy at present : and it is sufficient to observe, that the Christian inhabitants of the island settled the matter for themselves : all Christians were then Episcopalians : there were no Presbyterians, no Independents, no Quakers, no Baptists, no Unitarians : there were, in fact, no Dissenters : all belonged to the Church of England ; and the framework and constitution of that Church were precisely the same then as they are at present, with this difference in part of its arrangements, that the Episcopal sees were not established by any act of the civil power, nor was the nomination of Bishops in the hands of the Government.

I need not dwell upon the fatal effects which were caused to the Church of England by the inroads of the Anglo-Saxons. They are known to all persons, who are acquainted with the ecclesiastical, or even the civil, history of their country ; who will also remember, that Christianity was revived in Britain by the arrival of Augustin and his companions from Rome, in the year 597. The different Kings of the Heptarchy embraced Christianity : and thus the State may be said to have allied itself to the Church : but if we use such an

expression, we can only mean by it, that the Church, which before comprised a small part of the population, now comprised the whole of it. The existence of so many independent kingdoms made any formal act of union between Church and State, throughout the whole island, impossible : and in each kingdom, the union consisted merely in the heathen part of the population coming over to the religion of the minority. Two important changes in the English Church may be dated from this period. One was the endowment of the Clergy by donations from Kings and other possessors of property : the other was the more intimate connexion between the hitherto independent Churches of Rome and England. We will proceed to consider each of these changes separately.

The Episcopal form of Church Government, as I have already stated, was the one originally introduced into Britain : nor was any other form known in Christendom till the sixteenth century. The exact number of British sees, which existed before the seventh century, has not been ascertained : and consequently, there are doubts as to the number of new sees, which were created after the conversion of the Anglo-Saxons. It is sufficient, however, to state, that 21 out of the present 26 sees were in existence before the Norman Conquest : and it is needless to add, that Parliament could not have interfered with them for several centuries. How far the Kings were concerned in creating Bishops'

sees, is a different question. It was the opinion of Lord Coke, that all the bishoprics in England were of the King's foundation, and that consequently the right of patronage belonged to the King. But the Church was not more united with the State by this arrangement, than if Bishops had continued elective. It was the primitive practice that the laity should take part in the election of a Bishop : and if the King, upon creating a new see, retained the nomination of the Bishop, and if the Clergy consented to this arrangement, there was no reason why it should not be acted upon. The King, after all, could not make a Bishop : he could only nominate him : and it still remained with the Clergy to follow what rules they pleased about his consecration, and to give him the power of exercising the episcopal functions. It is worthy, however, of remark, that the two archiepiscopal sees of Canterbury and York did not owe their establishment to any act of the civil power.

The Anglo-Saxon Kings contributed liberally to the endowment of bishoprics. Private individuals followed the royal example : and the same spirit led to the erection of parish churches in various parts of the country. The division of parishes soon followed, the boundaries of which are often commensurate with those of manors ; because the lord of the manor had built and endowed the parish church : and hence the patronage of churches continued in the hands of laymen, as the nomination of

Bishops continued in the hands of the King. But this union of Church and State (if such an expression can be applied) was not the result of any compact, of any surrender of rights on the one hand, or of encroachment on the other. Kings and Nobles may have been superstitious, and the Clergy may have been self-interested and rapacious : but I should not estimate highly the historical knowledge or the Christian charity of that man, who traced the endowments of the Anglo-Saxon Church to such an origin. The King and the owners of property throughout the country knew only of one religion. They had not to decide between a State Church and any other denominations of Christians. They were themselves members of the only Church, and they felt it their duty to see that the ministers of this Church were well provided for. Hence came the donations of tithes and glebe-lands to the Bishops and Clergy. The date of most of these donations is lost in remote antiquity : but in a few cases, the original grants or copies of them have been preserved : and it is interesting to know, that so much property has continued in the same hands from centuries before the Norman Conquest.

These donations of lands or tithes were purely voluntary. They were given by persons who had a right to give them, to persons who were competent to receive them. The monstrous notion was never then entertained, that they were given for the use of the State, and that the State employed

them for the maintenance of the Clergy. The State had nothing whatever to do with them. It might, perhaps, be not difficult to prove, at least to Christians, that it is the duty of the State to maintain the preachers of the Gospel. But in the Anglo-Saxon times provision was made for this purpose by the piety and munificence of individuals. The ministers of religion were made independent of that precarious support which the State might have afforded them : and the Church is no more connected with the State in consequence of these bequests, than a hospital or a lunatic asylum are connected with the State, because they have been founded by private charity, and because they continue to enjoy the original endowment.

During this same period, the Bishops had a seat in what may be called the Great Council of the nation, to which they were invited on account of their learning, being the best advisers whom the King could consult in those times of darkness and ignorance. On the same principle Abbots and Priors of religious houses attended the King in Council : but this did not interfere with the diocesan and provincial synods, which were held by the Clergy for the settlement of their own spiritual concerns. These were convened by the Archbishops and Bishops, without any permission being granted by the King : a right, which had been exercised by the Church from the first beginning of Christianity. In England, when an ecclesiastical synod had

agreed upon any rules or canons, they were laid before the great council ; and as soon as they were ratified by the King, with the advice of his great men, they became binding upon all the people ; and thus the constitutions of the Church became the laws of the realm. But this does not support the notion of a formal alliance between Church and State, in the modern sense of that expression. Every member of the State, or rather every person in the kingdom, was a member of the Church : and when the Clergy wished to enforce any laws upon the laity as well as upon themselves, they naturally went to the highest authority in the country : but if the State did not lose its independence in matters purely secular, by calling in the wisdom of the Clergy, so the Clergy did not lose their independence in matters purely spiritual, by submitting their determinations to the civil power.

The other change, which I mentioned as following the conversion of the Anglo-Saxons, was the more intimate connexion between the Churches of Rome and England. Here it must be acknowledged, that the Church of England in some measure, and after the lapse of some centuries, lost her independence. But this proves any thing rather than the connexion between Church and State. Whatever we may say of the power which was exercised or claimed by the Church of Rome over that of England, it was grounded upon reasons of

a purely spiritual nature. It was the case of one ecclesiastical body trying to lord it over the other, and every encroachment of the Church of Rome was a fresh proof of the Church of England not being under the control of the State. The Kings of England after the Norman conquest were constantly trying to bring the Clergy more under their power. The Popes considered this as an invasion of their own authority, and hence the English Clergy were more willing to submit to the Pope than they might otherwise have been, because the privileges of their order seemed less compromised by their acknowledging a spiritual head. The Church of Rome in this instance overshot her mark ; and the earliest interferences of Parliament in matters of religion, without the consent of the Clergy, were to check the encroachments of the see of Rome. The Clergy, however, were bound by these Acts of Parliament, not as members of the Church, but as members of the State, or as Englishmen. If any of these Acts are still in force, and should be infringed by a Dissenter, he would be liable to the same penalties as a member of the Church of England ; so that if the Church and the State were united at that period, it was merely, as I said before, that every member of the State was a member of the Church ; and every Englishman felt himself interested in preserving his own church from foreign encroachments.

At a somewhat later period, the Church of

Rome was itself the cause of the civil power interfering in matters of religion. When heretical opinions, as they were called, began to increase, the spiritual arm was not strong enough to suppress them without calling in the secular. Hence statutes were passed for the burning of heretics; and from this time we may certainly say, that one form of religion was supported by the State to the exclusion of every other. The struggle, however, was maintained between rival doctrines, not between rival churches. The leaders of the Reformation in this country never thought of separating from the Church of England. They only endeavoured to purify her from the corruptions of the Church of Rome: and when, by the blessing of God, they accomplished their purpose, they did not boast of having founded a new church, but of having reformed that, which had existed in this country from the beginning. Cranmer and Ridley did not become Bishops of new sees, as soon as they abjured transubstantiation, nor did they stand in a different relation to their Clergy. The laws and constitutions, which had been settled in former synods, and ratified by former Parliaments, continued still in force, unless they had been repealed by the same authority which had enacted them. With respect to doctrines, the Church had always exercised the right of deciding questions of this kind; though their decisions, as before stated, were ratified by the King and Parliament. I do

not mean to say, that all the changes, which were sanctioned by Parliament at that period, originated with the Clergy, nor that Henry VIII. did not exercise powers, as head of the Church, which he had no right to assume: but I cannot see how this affects the rights and condition of the Church in the present day. If Henry VIII. did illegal and unconstitutional acts in spiritual matters, they can no more be drawn into a precedent, than his equally illegal and unconstitutional acts in civil matters. If any person should contend, that the King has now the right to dissolve a Chapter and seize its revenues, or to create a new bishoprick, because Henry VIII. did such things, let him be consistent, and say, that the King may do every thing else which was done by that self-willed and unprincipled tyrant. My feelings of liberty, as well as of religion, prompt me to try all the acts of Henry VIII. by the test of the civil and ecclesiastical laws of the country. If he only exercised a power, which the legislature had exercised before, he may have erred in judgment or in doctrine, but he only did what a king had a right to do toward the church of which he was a member. If he acted illegally, his acts were no more a precedent against the Church of England, than against a congregation of Independents, or any other description of Dissenters.

The reader must again be reminded, that the King and his Parliament were legislating for the

Church of England, and that they considered every person in the kingdom to belong to that church. It is true, that Dissent already existed ; for the Roman Catholics were from that time Dissenters. But they were not acknowledged as such : and when the Clergy agreed upon laws in Convocation, which were afterwards ratified by Parliament, they looked upon themselves as representing the whole community, lay and clerical, as it had always been hitherto represented. If the Parliament enacted laws, which had not been proposed by Convocation, they were adopted subsequently by the Clergy ; and no person, therefore, whether lay or clerical, who holds communion with the Church of England, need have any scruples as to obeying these laws. That there were anomalies at the period of the Reformation, was to be expected, and cannot be denied : but as the Church of England does not refer to that period for her first existence, so neither does she refer to it for the first promulgation of her doctrines. I deny that the Bishop of Rome has any jurisdiction in this realm of England, not because it was denied by Henry VIII. and by an Act of Parliament, but because that Bishop had no jurisdiction in England, nor in any diocese except his own, in primitive times. I abjure the doctrine of transubstantiation, not because it was abjured by Parliament in the time of Edward VI., but because it is contrary to Scripture and to the belief of the Church for seve-

ral centuries : both of which points I am prepared to prove against any Roman Catholic, who will maintain the contrary.

If therefore it be still said, that the religion of the Church of England is a state religion, or a parliamentary religion, I answer, that the charge is either no reproach, or it is positively false. If it be meant, that members of the Church of England now adhere to their doctrines, because they were imposed by Parliament, the assertion is a simple falsehood. If it be meant, as a matter of fact, that the doctrines were embodied in an Act of Parliament, we come to the question, whether this was not the legitimate, or rather the only method of establishing the Reformation. We must again remember, that there were then only two parties in religion contending for the mastery, the Papists and the Reformers. The Anabaptists and Socinians had come into existence, but they were not yet known in England : there was in fact no religious sect of any kind in this country ; and the only dispute was, whether the Church of England, i. e. the Church to which all Englishmen belonged, should adhere to the Romish tenets or not. It may be said perhaps in the present day, that it would have been better if the State had taken no part at all in the dispute, but if every person had been left to adopt his own religious creed. Such a course may be very liberal and philosophical, but it was absolutely impossible in those days. The

extirpation of heresy was an article of faith with the Church of Rome, and the civil power had hitherto assisted her. The Protestants therefore had no chance of enjoying even their life, much less their religion, unless they obtained the sanction of the civil power. The corruptions of Popery had been forced upon the country by Acts of Parliament. The Reformers obtained the repeal of these Acts : and when the changes in religion, which had been agreed upon by the Clergy, were ratified by Parliament and became the law of the land, the Clergy were only following the constitutional course which had prevailed in this country from the earliest times.

During the whole period of the Reformation, the form and polity of the Church of England continued exactly the same as before. Her doctrines were changed, but these also were not new. She discarded the doctrines, which had been introduced in the dark ages by the Church of Rome, and returned to those which had been held by the primitive Church. She called upon the State to ratify this return to a purer faith, and the State consented : but she did not call upon the State to establish for the first time a national Church. The Church and the State had been united before, and the State had sanctioned erroneous doctrines : the same union still continued, but the Clergy had provided for the laity a better and purer creed. If the Church of England was a

parliamentary church after the Reformation, it was a parliamentary church before ; or if it was not a parliamentary church before, it was not a parliamentary church after the Reformation. The Romanists will adopt whichever of these statements they please : but they must not refer to the Acts of Parliament under Edward VI. and Elizabeth, without also referring to the Act of the Six Articles, to the Act *de comburendo hæretico*, and to others of the same kind. The Romanists made use of the civil power to make men slaves : our Reformers made use of the same power to set men free.

I must now call upon the Dissenters to assist me in the remainder of this discussion. Since they cry aloud for a separation of Church and State, they will perhaps tell us, at what time the two bodies became united, and what is the process which they would recommend for the separation. They sometimes speak, as if the Church had been united to the State by an Act or Acts of Parliament : and if this were so, the Acts might be repealed, and the separation would ensue. But unfortunately we may search all the volumes of the Statutes at large, and no such Acts will be found. The Church of England, as I have already stated, existed for many centuries before there was a Parliament : and if every member of the State was also a member of the Church, it was a necessary consequence that there was one national reli-

gion. If Christianity existed for fifteen centuries under no other form than that which is preserved by the Church of England ; if for that period there were no Independents, no Baptists, no Quakers, no Unitarians, we may wonder at the want of invention in our forefathers, and we may be puzzled to account for their uniformity, but the fact is not less true for being contrary to modern ideas. Again then I ask, what do the Dissenters mean, when they call for a formal and legislative separation between the Church and the State ? They must mean, that some advantage accrues at present to the Church from the union ; or that at least some disadvantage is caused to Dissenters : but if they mean that Dissenters are not now on a level with the Church of England, I am afraid that it is beyond the power of Parliament to give them relief.

It will be asked, perhaps, do we not speak of the Church of England as being “by law established ?” Undoubtedly we do : but this phrase appears to me to be greatly misunderstood. The religion of the Church of England was established by law, because her doctrines were not only agreed upon by the Clergy, but sanctioned by Parliament. If a person says, that he belongs to the Church of England, as by law established, we understand fully what he means : his statement is precise and definite, because he refers us to an authoritative document which is still in existence : but if a person

says, that he does not belong to the Church of England as by law established, does he thereby violate an Act of Parliament? I hope not : or else our dissenting brethren can only be handed over to the tender mercies of the Attorney-General. It appears, therefore, that all the Acts of Parliament which have “established” the Church of England, have defined her doctrines and discipline, and required them to be maintained in one particular way by all those who belong to the Church of England : but I have yet to learn, that any Act of Parliament is now in force, if it ever existed, which requires all the inhabitants of the country to conform to the doctrines and discipline of the Church of England, “as by law established.”

Let a person look, for instance, to the Acts of Uniformity, which were passed in the 1st of Elizabeth and the 14th of Charles II. It is true, that these Acts enforce the use of the Book of Common Prayer : but they enforce it merely upon those persons, who officiate as Clergymen of the Church of England. The lay members of the Church of England are not prohibited by the Act of Uniformity from using any other book of prayers : and I need not add, that those who act as ministers in dissenting congregations need not use the authorised book. The observance of the Act of Uniformity is only binding on the Clergy of the Church of England : and though the Book of Common

Prayer is said, in virtue of these Acts, to be part and parcel of the law of the land, it does not follow, that every person in the country is affected by every Act of Parliament. The marriage-act is part and parcel of the law of the land ; and every person who is married, must conform to it, except in certain cases which are specially exempted : (and so there are exemptions specified in the Act of Uniformity :) but every person is not obliged to be married. The form of affirmation to be made by a Quaker is part and parcel of the law of the land : but every person is not obliged by law to be a Quaker, or to make this affirmation. Or, to take an instance of a different kind : there is an Act of Parliament, which requires all bricks to be of a certain size, which might be entitled, An Act for the Uniformity of the making of Bricks. Every brick-maker is bound by the provisions of this Act : but every person in the country is not obliged to make bricks : and so every Clergyman of the Church of England is bound by the provisions of the Act of Uniformity ; but every person is not obliged to be a Clergyman of the Church of England.

If it be asked, why the religion of one portion only of the community was settled by Parliament, the person who puts such a question must be reminded, that the state of things was very different in those days from what it is at present. The unpalatable truth must be repeated, that Dissent

is of modern growth. When the Clergy assembled in Convocation, and submitted their decisions to the ratification of Parliament, they submitted them to men who belonged to the same church with themselves. The two bodies of Convocation and Parliament were the real and legitimate representatives of the Church of England. They were the same bodies, which had for centuries enacted laws for the whole population of the country in spiritual matters; and nothing had occurred to make them think that they had lost this power, or that it was inexpedient to exercise it. Events have shewn that they were not legislating for the whole of the community: but if the body, for which they did legislate, is willing to abide by their decisions, and if the rest of the community is not bound to obey them, I cannot see what cause they have for complaint. The party to complain is the Church of England, which is still obliged to receive laws from the State, though all the members of the State are not, as formerly, members of the Church of England. But of this hardship I shall say more presently.

I shall now proceed to examine more closely what is meant by the Dissenters, when they ask for a separation of Church and State: and I shall select two documents, not as expressing the sentiments of all Dissenters, (for many, if not most, would disclaim them,) but as shewing what is intended by those who openly avow that they will

be satisfied with nothing less than the granting of these demands. The first is from the *Christian Advocate*, where we are informed that

“ The Dissenters are determined upon the entire and absolute separation of the Church from the State. Nothing less than this will, or ought to, satisfy them.—The practical grievances, for removal of which the Dissenters are preparing petitions, are, ‘ An abolition of all exactions from Dissenters for the support of the Church ; an admission to all the national seminaries of education ; the right of marriage without the Church service, or payment of fees to a Clergyman ; the right of burial in parochial burying-grounds, their own ministers officiating ; and a general registration of births.’ ”

The other passage is from the “ *Sheffield Independent*,” and is as follows :

“ In addition to the grand and fundamental subjects of protestation against the union of Church and State, the following are the principal objects which the Dissenters should resolutely claim :

“ The repeal of all laws which sanction the extortion of money for the support of the Church.

“ The repeal of all invidious legislative distinctions between the members of the Established Church and the Dissenters ; and especially of all oaths and tests touching their religious sentiments.

“ The reformation of the national seminaries of education, and an unrestricted admission to them.

“ The right of marriage without the forms of the Church service, or the payment of fees to the Clergyman ; and equal rights in places of public burial.

“ The reformation of the laws relating to registration.”

It will be seen, that there is a remarkable agreement between these two passages, which may be said to contain the *ultimatum* of the Dissenters: and in considering each of the demands separately, I shall refer indiscriminately to both documents.

The first and most comprehensive demand is, “ the entire and absolute separation of the Church from the State :” but the persons who make it, have not told us what they mean either by the Church or the State ; and I suspect that they do not exactly know. *The Church* is sometimes used for all members of the Church of England ; and this is the proper sense of the expression : but it is sometimes used erroneously for the Clergy of the Church of England. So also *the State* sometimes means the whole population of the country, or specially the laymen ; and sometimes the Government or Legislature. Now I deny, that in any of these senses the Church is united to the State, so as to cause a disadvantage to persons not being members of the Church of England. That the aristocracy, and what is called the more respectable part of the inhabitants, belong to the Church of England, is perfectly true. But this cannot be

helped. No legislative enactments can affect this. It is true, that the royal family, the nobility and the gentry, are not in the habit of going to meeting-houses : but if an Act of Parliament was to be passed, enacting in the plainest terms, that the Church should be separated from the State, these persons would not be more likely to go to meeting-houses. Persons of education will still decide for themselves, whether an Episcopal church, which has existed in this country for at least seventeen centuries, is most likely to be of apostolical origin, or certain independent congregations, none of which were heard of more than three centuries ago, and some of which have only existed a few years or a few months. Persons of education will compare the doctrines of these sects and of the Church of England. They will perhaps find, that in many points they are agreed ; and they will wonder why some of these sects separated from that form of Christianity which was followed by their fathers : but where there is a difference, they will refer to the records of the primitive Church, and to the works of the Reformers. Where these writings support the doctrines of the Church of England, persons of education will adhere to that church : but they will do so, because they believe it in their consciences to be an evangelical church, and not because it is united to the State.

Again then I call upon the Dissenters to point

out, what Acts of Parliament they wish to have repealed, and what is the process, by which they would effect the separation of Church and State. One of the documents quoted above demands "the repeal of all invidious legislative distinctions between the members of the Established Church and the Dissenters: and especially of all oaths and tests touching their religious sentiments." It would have been better, if the writer had specified the invidious statutes, which he wishes to have repealed. I am not aware of any. That there are bodies, which were founded by members of the Church of England, which are now composed exclusively of members of that Church, and which choose to admit no persons who are not of their own religious persuasion, is perfectly true: and in an age which is described as peculiarly liberal, and peculiarly sensitive in matters of conscience, I trust that the exercise of this liberty will not be denied. I am aware that the statute-book has contained legislative enactments, which might be called invidious with respect to Dissenters, and which conferred privileges in matters purely civil upon members of the Church of England. Nearly all of them were passed to meet something which was thought to be politically dangerous in parts of the Roman Catholic creed: and they were passed when many of the modern sects were either not in existence, or were of no numerical importance. I rejoice to think that they have since

been repealed. I was always an advocate for the repeal of the Corporation and Test Acts, and for what was called (though with an impropriety in each term) Catholic emancipation. I know that the Protestant Church of England rose into existence, and achieved her triumph over the Roman Catholics, without any of these exclusive laws. They are not necessary for the support of truth : and if any remain upon the statute-book, of which I am not aware, let them be repealed : but unless I am greatly mistaken, when every one of them has been withdrawn, the Dissenters will complain as much as ever of the Church of England being unduly favoured by the State.

The next demand, which I shall notice, is “ an abolition of all exactions from Dissenters for the support of the Church.” This is perhaps another instance of an equivocal use of the word *church* ; and more may here be meant than meets the eye : but if allusion is intended to the payment of church-rates, I am very much disposed to think that the demand is just. If a person is not a member of the Church of England, I can hardly think it right to make him pay for the repair of the fabric, or for any of the appendages of a worship in which he takes no part. I am aware, that there is a practical difficulty in admitting this doctrine : because when the churchwarden goes to collect the rate, it holds out a pecuniary inducement to every person to say that he is not a mem-

ber of the Church of England; and thus not only will many parish churches go without repair, but hundreds and thousands of persons may be tempted to tell a falsehood in a matter of religion: it will in fact be a man's interest (in a worldly sense) to attend no place of public worship.

I have sometimes thought, that the legislature might reasonably call upon every person in the country, who is now liable to be rated to church and poor, to pay a small annual rate (and it need be but very small) to the maintenance of some place of public worship. It would hardly be intolerant in a Christian legislature to require that every person in the country should declare himself to belong to some form of Christianity. In parishes, where there are no Dissenters, the whole of this rate would be expended, as now, for the repair of the parish church, or for uses connected with the ritual of the Church of England. In parishes, where there are several sects, the money would be divided in proportion to the relative members belonging to each sect: and it might be made imperative upon each sect, as upon the Church of England, to appoint some responsible officer, who should account publicly for the expenditure of the money. If it should happen, that the Church of England or any of those sects did not want that exact sum in any particular year, I can see no objection to its being put by as a fund in case of need: but the rate should be collected every year, and

thus no pecuniary inducement given to any person to declare himself a member of the cheapest church. There may be difficulties in the plan, of which I am not aware ; and I only put it forward to be considered by others : but at all events the payment of church-rates by Dissenters ought to be abolished. If they feel the payment to be a grievance, it is one.

The Dissenters however must weigh well what they are doing in refusing to pay church-rates. They must be prepared to take the bitters with the sweets. Their great principle is, (and it seems a very just one,) that every church or community of Christians has a right to manage its own concerns. One of these privileges is that of deciding who does and who does not belong to the community. The power of excommunication is the most ancient which the Church possesses. Some persons say that it is the only penal power which she can exercise : but at all events it is exercised by Dissenters, though it is virtually laid aside by the Church of England. Now when a man refuses to pay a church-rate, he makes a public and unequivocal declaration, that he is not a member of the Church of England. By that act he separates himself from the Church of England : and from that moment he ceases to have any part in its concerns, or in any advantages which may be supposed to belong to it. I cannot conceive, that the Dissenters would question the truth of this position : and if an Act should be passed, to exonerate Dissenters from

paying church-rates, I trust that a clause will be added, which will say, that such a refusal to pay church-rates shall be taken as a public acknowledgment, on the part of the person refusing, that he is not a member of the Church of England.

We should thus be saved from ever again seeing a Dissenter become a churchwarden. I know that such cases have occurred ; and that no scruple of conscience, of which we now hear so much, has hindered Dissenters from interfering in the internal concerns of a church, to which they did not belong. A refusal to pay church-rates would prevent the recurrence of such anomalies. If a person, who refused to pay a church-rate, possessed a pew in the church, he would immediately forfeit it. If I was rector of a parish, in which such a case occurred, I should, without any ceremony, allot the pew to some other person : nor could the Dissenter on his own principles object to my doing so. If the Dissenter argues that he has no interest in the parish church, it seems to follow necessarily, that he has no interest in the church-yard. But he does not admit this conclusion : and we have seen that one of them demands “ equal rights in places of public burial :” and that another demands, still more plainly, “ the right of burial in parochial burial-grounds, their own ministers officiating.”

If a member of the Church of England had told me that the Dissenters made this demand, I should

have supposed it to be a calumny. They deny that they have any thing to do with the church, and refuse to pay rates for its repair; but they lay a claim to the church-yard in which it stands, which is fenced and preserved by the same rates, which they refuse to pay! The distinction is convenient: but the only intelligible principle to which I can reduce it, is this: that where there is a burthen connected with the Church, they are exempt from bearing it; but where there is a benefit, they have a right to share it. The right of the Dissenters in this matter is still more strongly stated by Mr. T. Binney, in his celebrated "Address delivered on laying the first stone of the New King's Weigh-house." He speaks of "an equal right to the use of the national burying-grounds:" and speaking of parish churches he says that "the building and burying-ground are national property, created by taxes levied on the public." Mr. Binney seems to apply the word *national* to the Church of England, or to refuse to apply it, as suits his purpose. When declaiming against it, he says that it is not a national Church, that it is only a sect: when asked to pay a church-rate for the repair of the parish church, he refuses because the fabric is not a national one, but belongs only to a sect: but when he wants to bury a friend or relation, he says that the burial-ground is national property.

When Mr. Binney says that the building and

the burying-ground were "created by taxes levied on the public," he must know that he is speaking very incorrectly. It is true, that of late years there have been several new churches erected with cemeteries annexed, the expense of which was defrayed in part by church-rates: but this, perhaps, does not make the church and church-yard national property. An Act of Parliament may empower a gas-company, or a water-company, or a bridge-company, to levy a certain rate or toll: and the payment is as compulsory as that for building a church: but it would not be correct to say, that the gas-works, or the water-works, or the bridge are national property. The legislature intended the church for the exclusive use of the members of the Church of England: just as it intended the College of Maynooth for the exclusive use of the Roman Catholics, though it was so largely endowed out of taxes paid by Protestants. The legislature may have been wrong in both these instances; and if the Dissenters think so, they are perfectly justified in petitioning that the wrong may not be repeated. But if it would be a breach of faith for a Protestant to claim to be educated at Maynooth by teachers of his own persuasion, because it is a national seminary, it would be equally so for a Dissenter to claim a right in a church or burying-ground of the Church of England, on the score of their being national property.

Mr. Binney must also know very well, that

parish churches in this country were originally founded by private munificence. The ground, on which they stand, and which forms the church-yard, was part of the estate of some rich or pious man, which he alienated for this holy purpose. He never gave the ground, or erected the building, to become national property, in the sense in which that expression is now used. He intended them for the use of all the inhabitants of the parish, because they were all of the same religion with himself. How he would have acted, if he had heard of "a congregational church," which met at "the New King's Weigh-house," is what we cannot tell, when he died so many hundred years before the Weigh-house existed : but this we know for certain, that 99 parish churches out of every 100 in the country, together with their church-yards, were not "created by taxes levied on the public." They were as much a voluntary appropriation to one specific form of religious worship, as a chapel of the Wesleyans or the Baptists, or as the New King's Weigh-house. Mr. Binney has placed himself in an awkward dilemma by saying that "the building and the burying-ground are national property," and by saying that the Church of England is only a sect : for how can national property belong exclusively to one particular sect ? and that the parish church does belong to one particular sect, is the foundation of the argument put forth by Dissenters, when they refuse

to pay church-rates. But if the church is the property of one particular sect, the church-yard is so also : and the refusal on the part of Dissenters to pay church-rates establishes the latter point ; for the preservation of the church-yard, as well as of the church, is paid for out of the church-rates. The refusal, therefore, to pay church-rates is an acknowledgment, on the part of Dissenters, that they have no interest in the church or church-yard, and that both of these belong exclusively to the Episcopal sect, which has hitherto been known by the name of the Church of England. If this Episcopal sect has not a right to do what it pleases with its own church and its own church-yard, but if Christians of other denominations have a right to make use of them, “their own ministers officiating,” the Dissenters have, indeed, reason to assert, that liberty of conscience is violated.

Mr. Binney makes one remark, which will have its weight with all right-minded persons, to whatever sect they may belong. Speaking of Dissenters, he calls the church-yard “the place with many of us of our fathers’ sepulchres.” And so undoubtedly it is. The fathers of all Dissenters lived and died in communion with the Church of England, with that Church which has existed in this country from the earliest period of its becoming Christian ; and, therefore, their remains repose in the cemeteries belonging to that Church. I must be allowed to mention, that the ancestors of the

Binneys were members of the Church of England, of that Church, of which it is said by one of their descendants, (in a part of his Address which appears to have been spoken at Billingsgate) “that it destroys more souls than it saves.” We may charitably hope, that the ancestors of the Binneys were among the more fortunate minority: and their uncharitable descendant may be well assured, that no Clergyman of the Church of England will refuse interment in the church-yard to any Dissenter, whose ancestors are buried there; but they will resist to the utmost the intolerant and intolerable principle, that one sect may claim a right in the property of another.

The next demand of the Dissenters which I shall notice is “a general registration of births;” or as it is otherwise expressed, “the reformation of the laws relating to registration.” The last is the best mode of expressing the demand, for “a general registration of births” would not satisfy the country, which now requires more than usual accuracy in the lists of births, marriages, and deaths. As far as the Church of England is concerned, this is amply provided for, and every information is afforded by the parochial Clergy at no cost to the country. But the Dissenters, having refused to contribute to the preservation of church-yards, and having thereby declared that they have no interest in them, they of course cannot be buried in them: and, therefore, the parochial

Clergy can for the future give no account of the burials of Dissenters. I infer, also, from the demand for a general registration of births, that the Dissenters are not satisfied with having their children baptized by the parochial Clergy; and that consequently the latter will not be able to make a return of the baptisms of Dissenters' children. The Dissenters are bound to suggest some other method of furnishing these returns: but they have nothing to complain of in this respect against the Church of England. It is a matter which concerns exclusively themselves. The parochial Clergy are still ready, as they always have been, to perform the offices of baptism and burial: they will perform them, if required, for persons not of their own communion: for we give admission by baptism, not into the Church of England, but into the Catholic Church of Christ: and we believe, that every person, whatever may be his creed, who died in the faith of Christ, may be a partaker in his resurrection. The parochial registers give perfect satisfaction to the country: and if Dissenters will not make use of them, they must devise some other method which will be equally satisfactory. If they complain of any grievance in the article of registration, they have brought it upon themselves, and themselves must find the remedy.

I should make the same remarks upon the other demand of "the right of marriage without the Church service, or payment of fees to a Clergy-

man." Dissenters often speak upon this subject, as if the Church of England was opposed to their demand. But they have hitherto been opposed by the voice of the country. The fact is, however they may dislike to hear it, that parties who wish to be married, particularly the females, have no fancy to dispense with the Church service. The feeling may be weak or superstitious, but it is ancient and respectable: and I much doubt whether the Dissenters will persuade many persons, even of their own communions, to be married in any other place than the parish church. They have, however, a perfect right to make the attempt, and the Church of England will never oppose them. The Church of England will constantly oppose any attempt to alter the marriage service, to suit the tenets of Unitarians, or of any other sect. If Parliament should order any such alteration, the parochial Clergy will treat the order with contempt: and it will then be seen, whether our religion is a Parliamentary religion or no. Let Dissenters obtain an Act of Parliament to regulate their own marriages: or why do they not suffer the Church of England sect to use its own form, and adopt some other form themselves? They can either do this without the aid of Parliament, or they cannot: if they can, let them do it immediately, and let them persuade the country that their marriages are as respectable and as valid as those in the Church of England: but if they cannot, let them petition Parliament on the

subject, without saying so much about wounded consciences and a state religion.

The last demand which I have to notice is “an admission to all the national seminaries of education :” or as it is more fully expressed in the other document, “the reformation of the national seminaries of education, and an unrestricted admission to them.” I have long been trying to make out what Dissenters mean by claiming admission to the Universities of Oxford and Cambridge : but I can neither understand the grounds, on which they rest their claim, nor the process by which they expect to gain admission. The two documents quoted above speak of Oxford and Cambridge as “national seminaries :” but in what sense are they national ? Some persons will reply, because the national religion is taught there : but I am arguing with Dissenters, who will not allow that there is any national religion : and I therefore ask the Dissenters, what they mean, when they speak of our Universities as national seminaries. Were they founded by the nation ? Certainly not. Are they supported by money paid by the nation ? Certainly not. I shall confine my remarks to my own University, though the two cases are perfectly analogous. Some few colleges in Oxford were founded by Kings : but the foundation was the act of an individual, not of the nation. Kings in those days had means of their own, out of which they could be munificent, without in any sense burthen-

ing the nation : and even now, when the King is spoken of as the first servant of the people, we have not got so far as to say, that every act of royal bounty is the act of the nation. But with these few exceptions, all the colleges in Oxford were founded by individuals ; by men, who had a perfect right to do what they pleased with their estates ; who might have left them all to their children or relations, but who chose to leave part of them for the purpose of education. In no possible sense of the term can it be said, that they left them to the nation.

Some persons write and speak, as if the Universities were now supported by the country, or at least received some part of the public money ; and I am willing to believe, that some Dissenters are really persuaded of this. There are, indeed, some payments made to certain Professors, which are annually accounted for to the House of Commons, and of late have given rise to annual discussions. The whole amount of payments made to the University out of the public purse is a little more than 1,000*l.*, part of which was granted by the Crown before it had disposed of its hereditary revenues : and part was originally given by the Sovereign for the encouragement of learning and science. The House of Commons has shewn more than a disposition to grudge the scanty payment : and some wise senators are reported to have asked, Why does not the University pay its own Professors ? The

answer to this question is very simple : the University has no funds for paying Professors. Persons have perhaps been led to consider the University as very rich, because they hear of it contributing largely to public subscriptions, or because they see the stores which are annually deposited in the Bodleian library. It is true, that the University does often vote liberal sums out of what is called “ the university chest : ” but unfortunately this chest, which has only a figurative existence, is always empty : and the University, like an extravagant spendthrift, or like a Chancellor of the Exchequer, is too apt to forestall its income.

The annual income of the University is raised by a voluntary tax imposed upon all its members : out of which tax it pays the whole expense of the city police, which it has taken upon itself ; and it also lays out a large sum annually upon the Bodleian library, which is open gratuitously to all the world. It does not receive from the country a single sixpence beyond the sums already mentioned, and these will probably be withdrawn. Posterity will then have to say, that while Parliament voted thousands and thousands of pounds to found and support a College for Roman Catholics in Ireland, it refused to continue the royal bounty of 1,000*l.* to the Protestant University of Oxford. Will posterity also add, that while the College in Ireland, though supported by public money, was confined exclusively to Roman Catholics, the English Universities,

which maintained themselves without any assistance from the public, were forced to admit Roman Catholics, and every species of Dissenter?

I feel myself utterly at a loss to argue with persons who say that the University of Oxford is supported by public money. On the contrary, the University contributes largely to the revenue. In the year 1833 the stamp-office received 2,498*l.* from the University, for degrees conferred within the year. If the House of Commons should withdraw the royal grant to the Professors, let it at least be even-handed, and release the University from the payment of stamp-duty upon degrees. The expense of taking a degree, which is felt severely by many a poor man, would thus be materially lessened. The University, as a body, would not be in the smallest degree richer: the persons principally benefited would be the younger members, who are anxious to take a degree, but who are now often deterred from it by the expense.

It is still more hopeless to argue with a writer, like Mr. William Howitt, who says in his *Popular History of Priestcraft*, that “the best apartments of every college are set apart for a Priest, who enjoys, *at the expense of the public*, every luxury that the most sensual can desire.” The Fellows of Colleges, who are the persons intended, and who are not always or necessarily Priests, do not enjoy anything whatever “at the expense of the public.” Their incomes come from estates and tithes, which

were left by founders and benefactors : and they can no more be said to live “at the expense of the public,” than the heirs and representatives of those persons, who possess the remainder of that property. The Fellows of Colleges are also the tutors. Many of them could not live, if they did not increase their incomes by tuition or their professional exertions. It is the income of fellowships which enables tutors in the Universities to give education at a cheaper rate than any other teachers of the same kind in the kingdom. The average payment made by a commoner in Oxford to his tutor is 12*l.* a-year, which is probably less than the sum paid at any dissenting academy : and the tutor is able to educate his pupils at this moderate charge, because he also enjoys the settled income of his fellowship. The room-rent paid by a commoner may be averaged at the same annual sum of 12*l.* : and these are the only sums, which can properly be said to be received by the College.

If any person should ask what it is, which makes education in Oxford and Cambridge so expensive, I can truly answer that it is nothing in the system of the Colleges themselves. If parents and guardians will allow young men 200*l.* or 300*l.* or 600*l.* a-year, they may depend upon it that the young men will spend the allowance, and that they will not be hindered from doing so by any college discipline, when their own friends and relations support them in their extravagance ; but let parents know that

by this system they are ruining the bodies and souls of their children. I speak of commoners, because they are generally the persons, to whom cheap education is the greatest object : and I assert, that the most expensive colleges do not require a man to spend more than 120*l.* a-year ; while there are many, in which he need not exceed 70*l.* or 80*l.* : and for this sum he may be provided with tuition and all the necessaries of life, excepting clothes : he may live in the best society without meanness ; and no person need suspect that he is practising economy. My statement will perhaps be doubted, but I make it confidently. It is an easy thing for Dissenters to demand “ the reformation of the national seminaries of education :” but Dissenters have not to deal with the same persons who send their sons to Oxford and Cambridge : if they had, they would know the difficulty of checking the sons of noblemen and gentlemen, who come with double and treble the income which they want, and are surrounded with temptations for spending it. Let the reformation begin with the parents : let them not encourage their children in setting discipline at defiance ; and they will find heads of colleges and tutors too happy to second them : but no place of education can originate a reform of this kind. Sumptuary laws are certain to be followed by evasion and deceit : and punishments for a breach of discipline or morality, are either too slight to be regarded, or too severe to be

applied. An education based upon religion is the only safeguard. I know that Colleges do provide this : but I know that it is thwarted and frustrated by parental indulgence. But I must return to my subject.

I have perhaps said enough to shew, that no person, whether Churchman or Dissenter, can demand admission to the Universities on the ground of their being supported by the public. The question then presents itself, whether Parliament has the power to gratify the Dissenters in the demand which they are resolved to make. I do not mean to dispute the power of Parliament to pass any Act. I will suppose an Act to be passed, which shall express in the most precise and positive terms, that all persons shall be admissible to the Universities without distinction of creed. I will suppose it to be made a capital offence for the Vice-Chancellor to apply any religious test upon admission. The Dissenters might still be as far as ever from obtaining their demand : and for this simple reason : the Colleges need not take any members at all, except those on the foundation ; and for the election of these they may appoint any system of examination which they please.

It seems to be forgotten, that a person cannot be a member of the University, without being previously admitted at some College : and who would or could compel a College to admit a member against its will ? Without going to questions of

religion, the Head of a College may refuse to admit a man for a cast in his eye, or for a halt in his gait, or for any reason of whim or caprice, or for no reason at all. But let us suppose him to believe in the doctrines of the Atonement and of Sanctification by the Holy Spirit, as they were believed by the primitive Church, and as they are expounded by the Church of England. Can he, with these sentiments, admit an Unitarian? Let us hear Dr. Lant Carpenter, as he states the tenets of Unitarians upon these points. "We do not believe the Holy Spirit, or Spirit of God, to be a distinct being from God himself. We regard the expression as denoting, in the Scriptures, either God himself, or, most commonly, the influence or agency of God, in whatever way employed, and particularly his miraculous agency." "We reject, as utterly unscriptural, the doctrine of Satisfaction, and every other which represents the death of Christ as rendering God merciful, or as enabling him to extend his mercy to the sinner." Now let us remember, that at present the University consists exclusively of persons who adhere to the Church of England; who adhere to it deliberately, and as a matter of conscience. Each College is a Corporation, consisting of a Head and a certain number of Fellows, who are empowered and required by the statutes to fill up the vacancies in their body by election. I will not now inquire whether the statutes, which were generally drawn up by the Founders,

require the Fellows to be members of the Church of England ; though upon this there can hardly be any dispute : but let us only assume that the Head and Fellows think fit, as a mere matter of opinion among themselves, to elect no person who is not a member of the Church of England. Are they not to have the power of exercising their own judgment ? Are they not to have the right, which is possessed by every corporation, by every club and society, of electing their own members ? Is Parliament to interfere, and alter their statutes, and force their consciences ? The Dissenters surely are not the persons to advocate such an outrage. Such tyranny would not be avowed even by the Church of Rome : and that Church, in the utmost plenitude of her power, could not have carried it into practice.

It is idle therefore, and worse than idle, to talk of Parliament interfering to throw the Universities open to Dissenters. If Parliament has the will, it has not the power, to force men's consciences. The experiment was once tried by a King : and the firmness of a single college was the first step in that resistance, which ended in removing him from his throne. Let Parliament make a similar attempt, and every college will produce a Hough, who will resist the illegal interference. We have heard much of late concerning the religious tests, which are applied to young men upon matriculation in the Universities : and a foolish order was

made in the last Session for a return of these tests from both Universities. I call it foolish, because the persons who asked for it seem to have assumed that the Dissenters are excluded from the Universities by these tests. But they know nothing about the matter, and ought not to take up the time of the House and the Universities with such useless motions. The University of Oxford requires every person to subscribe the Thirty-Nine Articles upon matriculation. The University of Cambridge applies no religious test at matriculation; but every person, who takes a degree in Arts, Law, or Medicine, is required to say "I do declare that I am *bona fide* a member of the Church of England." Now let us suppose an Act of Parliament to forbid subscription to the Thirty-Nine Articles. Would the Universities be necessarily open to Dissenters? By no means. The University of Oxford might immediately adopt the test which is used at Cambridge, and which is really more exclusive than her own; or both Universities might invent a still stronger test. If any person should say, that Parliament may forbid their imposing any test at all, I say that Parliament has not power to forbid it. The Colleges will set Parliament at defiance, and laugh to scorn the impotent attempt at persecution. Members of the Church of England have consciences, as well as Dissenters, and will not allow violence to be done to them. Let Dissenters have seminaries of their own. Those which they

have already, are quite as exclusive as Oxford and Cambridge, and must necessarily be so. A Dissenter can only give religious education according to his own creed. If he does not, he must be either dishonest or irreligious, or both. It is for this reason, that members of the Church of England do not send their sons to Dissenting academies : and why should Dissenters seek to send their sons to the Universities ?

They will perhaps say, that the Universities have privileges, and they claim that these privileges shall be thrown open to men of all persuasions. But this demand involves a contradiction or an impossibility. The Colleges, like all other corporations, have certain privileges; one of which is the right of deciding who shall belong to their body. Exclusion therefore is one of their privileges, and must necessarily be so with all elective bodies ; so that one of these very privileges which the Dissenters are demanding, makes it impossible that their demand should be granted. They will perhaps say, that they allude to privileges, which the University enjoys as a body, such as that of granting degrees. This privilege is supposed to attach to all Universities incorporated by charter. Let the Dissenters therefore found Universities, as members of the Church of England have founded them : let these new foundations obtain charters of incorporation, and then they may grant degrees. Or why do not Dissenters grant degrees in their

own academies without a charter? Degrees are only artificial distinctions, the value of which depends upon public opinion. If the Church of England is merely a sect, why should not degrees conferred by any other sect be as respectable in the eyes of the public as those conferred by members of the Church of England? In this case, as in many others, the privilege of the Church of England consists merely in its having existed for many centuries before any denomination of Dissenters. The Scotch Universities exercise the same privilege of granting degrees: so that the privilege has nothing to do with belonging or not belonging to the Church of England. But the fullest and final answer to this demand is, that Parliament has not the power to compel the Universities to grant degrees to Dissenters.

As far as my own opinion is concerned, I should not object to under-graduates being admitted at Oxford without subscribing the 39 Articles; but I should agree to this change, not with a view to admitting Dissenters, but because I am afraid that young men often subscribe what they have never read. With respect to the admission of Dissenters, I should not have the least objection to it, if their parents chose to send them among us, but I cannot conceive how some of them are to be educated or to take degrees. We undertake to teach Christianity, and to make it a fundamental, indispensable, part of education. Not Deism, or natural

religion, but Christianity; the doctrine of Justification and Salvation by faith in Jesus Christ: and we make our text-book the 39 Articles of the Church of England. If there is such a thing as liberty of conscience in the country, we have a right to do this: and, by the blessing of God, we will continue to do it. Those who do not like our mode of teaching Christianity, will not come among us: and on the same principle, as I said before, our own youth do not go for education to Dissenting academies. A tutor in Oxford could not teach his pupil religion, unless his pupil admitted the doctrine of the 39 Articles: and if he could not teach him religion, he would not teach him at all. If I was Head of a College, and a young man was to say in the words of Dr. Carpenter, that he does not believe the Holy Spirit to be a distinct being, or that he rejects the doctrine of Satisfaction, I should immediately dismiss him. Unitarians might call me intolerant: but my only other alternative would be to snatch him as a brand out of the fire, by endeavouring to convert him; and what would Unitarians then say concerning me?

Enough has been said to shew the practical impossibility of all Dissenters being educated at Oxford and Cambridge; but I cannot help noticing the manner in which this grievance is worded in the "Brief Statement of the case of Protestant Dissenters," put forth by "The Committee of Députies of the three Denominations of Dissenters—Presbyterian,

Independent and Baptist." The fourth of the grievances is here said to be "the exclusion of Protestant Dissenters from the privileges of the Universities of Oxford and Cambridge." The demand therefore is only made for *Protestant* Dissenters, and Roman Catholics are still to be excluded. A caricaturist might represent this body of Dissenters with the head of Janus; one of his faces looking towards the Universities with a beseeching, or perhaps a menacing air; as if asking or demanding admission: the other looking back upon the Roman Catholics, with a repulsive expression which seems to say, "No, no: we mean to have the good things of Oxford and Cambridge for ourselves, but we cannot allow you a share in them. There is a point, beyond which toleration must not go. All persons will allow, that the Universities ought to be open to Presbyterians, Independents and Baptists; but when we are established there, we will keep you out." The distinction here drawn between Protestant Dissenters and Roman Catholics may be very intelligible to the "Committee of Deputies," but I cannot see the force of it. My objection to admitting Dissenters at Oxford is because they cannot receive religious instruction there: but if this objection could be waived, and if all persons are to be admitted to the Universities, as to "national seminaries," the Roman Catholics have quite as good a right to be received as Protestant Dissenters. The spirit of exclusiveness

appears to be not altogether confined to the Church of England.

I have now gone through all the demands which are put forth by Dissenters, when they ask for a separation of Church and State, and for the abolition of all inequalities between themselves and the Church of England. The substance of what has been said is briefly this: There never was any formal compact, which allied the Church of England with the State: nor is there any Act of Parliament, the repeal of which would cause them to be separated. The Church of England is the same now, as it was at its first introduction into this country, and the form of its government has always continued the same. Its doctrines are the same now with those which it held for at least the three first centuries, and the temporary usurpation of the Romish See, though it corrupted its doctrines, did not alter the constitution or identity of the Church. It was not a Parliamentary Church before the Reformation: and as it was not created at that period, nor at any subsequent, it cannot be a Parliamentary Church now. The religion of the Church of England was established by law, because its doctrines were agreed to by Convocation which represented the clergy, and by Parliament which represented the laity, of the Church of England: but no Act of Parliament has established it as the religion to be held by all the community. The statutes, which gave exclusive privileges in civil

matters to members of the Church of England have been repealed; or if any remain, they had better be repealed. Dissenters ought not to pay rates for the repair of a church, or for the maintenance of a form of worship, which they cannot conscientiously join; and by refusing to pay rates, they make a public declaration that they are not members of the Church of England. Being not bound to contribute to the preservation of the church or churchyard, which never were the property of the public, but belong exclusively to the Church of England, they can have no right to be buried in the churchyard; and for them to demand to be buried there, "their own ministers officiating," is opposed to their own fundamental principle, that every church has a right to manage its own concerns. With respect to registration, Dissenters have a perfect right to keep registers of their own, if Parliament is satisfied with their system of registration: but the Church of England is wholly unconcerned in this matter, having already registers of its own which are sanctioned by Parliament. It is the same with marriages of Dissenters. They have a right to marry according to their own forms, if the country will allow the validity of such marriages; but the Clergy of the Church of England will not allow Parliament to prescribe a form to be used in marrying members of the Church of England. Dissenters have no claim to be admitted at the Universities on the ground of their being "national

seminaries ;” for the nation contributed nothing to their foundation, and they contribute much more to the nation than what they receive from it. Parliament has not the power of forbidding the Universities to apply a religious test on the admission of members ; and if Colleges think fit to exclude Dissenters, no Act of Parliament can hinder them from doing so.

So much for the demands of the Dissenters ; some of which, it appears, cannot be granted, because Parliament has no power to grant them. But let us suppose the petitioners to have obtained so much of their petition, as is morally practicable, and to have accomplished what they so ardently desire, the separation of Church and State : what will be the result ? I will first state the effect produced upon all parties in the words of Mr. Binney :

“ We wish the entire and absolute dissolution of Church and State : the Establishment, as such, terminated : the episcopal community to become an episcopal denomination, on a perfect equality with every other : then each of them may carry on its own religious reforms for itself, or promote the improvement of the rest by reason and argument. —All sects stand in need of some religious reforms ; all may be brought nearer to what a church ought to be than any one of them is at present ; but this is their own concern—it is to be done *by* them as churches, and cannot be done *for* them by any secular assembly. All, if placed on a level, would

exert an influence, direct or indirect, in promoting the purity and perfection of the rest ; and that one, which is now bound, and fettered, and enslaved, would be free to take full and efficient measures for its own. ”

It appears therefore, that the Church of England, that courtly and gorgeous establishment, which basks in the sunshine of the State, and tramples sectaries in the dust, is, notwithstanding her pomp and pride, “ bound and fettered and enslaved. ” Alas, my poor church ! and art thou really come to this, to be pitied by Mr. T. Binney, founder and minister of the New King’s Weigh-house ! But in good truth, when the Dissenter penned this sentence, he was in a milder and more compassionate mood than he is wont to be ; and since we cannot have his charity, we must be content with his pity. The history of the binding and fettering and enslaving of the Church of England, is as follows.

I have already stated, how the legislature came to interfere in the doctrine and discipline of the Church of England ; that it was, because Parliament consisted entirely of members of the Church of England, and therefore represented the laity, while Convocation represented the Clergy. The whole community therefore was represented by these two bodies : and so long as there were no Dissenters, there was no difficulty in passing laws in spiritual matters which bound the whole com-

munity, At length Dissent came : after which, there were some persons in the country, who were represented in Parliament as to civil matters, but who did not allow themselves to be bound as to spiritual matters by Parliament or by Convocation. They set up a form or forms of religion different from that which had been established by Convocation and Parliament. The practical result of this was, that although Convocation and Parliament continued to legislate for the Church of England, their legislation did not affect the whole of the community, for some persons had withdrawn from the Church of England. The Church of England had no reason to complain of this, so long as all the members of the Legislature were members of the Church of England ; for all the members of that Church were represented in Convocation and Parliament : and so long as they were satisfied with this arrangement, they continued to be bound by laws which were sanctioned by Parliament.

I need not dwell upon the temporary depression of the Church of England in the middle of the 17th century : for since it was restored to all its rights by the return of Charles II. the question would only be embarrassed by this consideration : and from the accession of Elizabeth (when the Church of England was fully and finally established) to the end of the 17th century, no member of the Church of England had much reason to complain of the method of legislation pursued in spiritual matters.

At the beginning of the 18th century, a change took place in the legislature, involving a question of principle rather than practice, which perhaps for this reason was not noticed by the Church at the time, and which appears to have been passed over by persons who have studied the history of the Church of England. I allude to the union between the two kingdoms of England and Scotland, from which time it was lawful for persons to sit in Parliament, professing the religion of the Church of Scotland. The number of Presbyterians returned to Parliament was perhaps small, and they were not likely to shew any hostility to the Church of England : but still as a matter of principle, the Church of England ought to have protested against these persons taking part in any question which exclusively concerned the Church of England. It either ought to have been settled by law, that these persons were not to vote upon questions affecting the Church of England, or that Church ought to have been made independent of the decisions of Parliament, and some other method devised for obtaining the consent of the laity to the measures proposed by the Clergy. Neither, however, of these expedients was put in practice ; and the phenomenon was witnessed for the first time in this country of a Church being bound by the decisions of the legislature, when all the members of the legislature were not necessarily members of the Church.

It was about the beginning of the same century, that we may place the date of another event, which gave a still more fatal blow to the liberty of the Church of England, though I ought perhaps to have placed its date several years earlier. I allude to the virtual extinction of the powers of Convocation. In the year 1664 it had been agreed, that the Clergy should give up the privilege of taxing themselves in Convocation, and should be taxed with the rest of the people by the votes of Parliament. This made the meeting of Convocation of no importance to the Government in a financial point of view : and from that period to the year 1700, Convocation very rarely met, and passed no synodical acts of any importance. From the year 1700 to the present time Convocation has regularly met at the beginning of every Parliament : but the Act of the 25th of Henry VIII. having been interpreted to mean, that the Clergy could not assemble in Convocation without the assent of the King, that assent has never been given to enable them to meet for the purpose of discussion, and no laws have in fact been passed by them.

The Church of England was thus placed in a most anomalous position, if compared with any other church or body of Christians from the first beginning of Christianity. It had been decided by the highest legal authorities, that the Clergy were bound by the acts of Convocation : and it is reasonable, as well as supported by the practice of

all churches, that questions of doctrine or discipline should first be discussed and decided by the Clergy. But this had ceased to be the case in the Church of England : and during the 18th century various Acts were passed by Parliament which affected the internal arrangement and the spiritualties of the Church of England. A question might perhaps be raised, how far the members of that Church were bound by these Acts. It is plain, that the mere fact of being returned to Parliament did not give the power of legislating in spiritual matters : for Dissenters, though they had voted at elections, and were represented in civil matters, were not bound by these Acts. It would seem, therefore, that members of the Church of England were not more bound by them than Dissenters, unless they had consented to be so represented in spiritual matters ; and it is certain that the Clergy at least had never given this consent, either in fact, or by the theory of the constitution. The Clergy, however, made no resistance : and they, as well as the laity, continued to be bound in spiritual matters by Acts of Parliament, although the Acts had not originated, as formerly, in Convocation. Something like a reason for their acquiescence might perhaps be found in the fact of the Bishops having a seat in the House of Lords : thus the Bishops, who constituted the Upper House of Convocation, might still originate measures of a spiritual nature in Parliament, and the Church

had still some sort of a vote in binding members of their own church by Acts of Parliament. It must be admitted, however, that this is but a poor safeguard to the Church of England, since it has been ruled, that an Act of Parliament concerning a spiritual question would be valid, though all the Bishops voted against it.

The anomalous condition of the Church of England became still greater, when Dissenters obtained seats in Parliament; which they are known to have done for many years before the law allowed it, under the sanction of an annual Act of Indemnity. The repeal of the Corporation and Test Acts gave them the power of sitting in Parliament. The Roman Catholics shortly after obtained the same power: and the number of Roman Catholic and Dissenting members has been considerably increased by the operation of the recent Act for the Reform of the House of Commons. During the whole of these constitutional changes, some of which were of silent growth, and therefore unobserved, the mode of legislation for the Church of England by Acts of Parliament continued exactly the same. Measures of a spiritual nature are not proposed, in the first instance, by the Clergy assembled in Convocation, nor by the Bishops in the House of Lords. Any member of either House of Parliament is at liberty to propose any measure of a purely spiritual nature; and if it is carried, the members of the Church of England are bound by it. But can

any anomaly be stronger than this, that members of all religious persuasions should agree in making an Act of Parliament, which is binding on the members of one persuasion only? Some persons deluded themselves with the notion, that when Roman Catholics were allowed to sit in Parliament, they would be restrained by scruples of conscience and a sense of propriety from voting upon questions which concerned the Church of England. But Mr. O'Connell has laughed to scorn the simplicity of such an expectation. He has not only openly avowed, that he feels himself at liberty to vote upon questions connected with the Church of England, but he has actually done so : a member of the most intolerant church in Christendom has actually taken part in deciding how many Bishops are necessary in a church to which he does not belong !*

It will be said, perhaps, that the measure, to which I have just alluded, affected the Irish Church in her temporal concerns only. I am not questioning the policy of the framers of that Bill,

* I may perhaps be accused of inconsistency for speaking thus of the admission of Roman Catholics to Parliament, when I stated at page 25 that I was always an advocate for their admission. But my answer is obvious. I wished to admit them to an equality of civil privileges : but I never imagined, that they would interfere in the concerns of the Church of England. Still I do not repent of having admitted them. If I give a beggar sixpence, and he turns round immediately after and robs me, I do not repent of having had the feeling of charity, though I pity the ingratitude and wickedness of my assailant.

when they entitled it, A Bill for the Temporalities of the Irish Church. The blind was, perhaps, not necessary, because the House of Commons would have been equally ready to legislate, if it had been entitled a Bill for the *Spiritualties* of the Irish Church. But let us consider the provisions of the Bill. The preamble recites, among other matters, "Whereas the number of Bishops in Ireland may be conveniently diminished." Convenient, forsooth ! And who were to judge of this convenience ? Will the framers of this Bill stand up and say, that any number of the Irish Clergy pronounced the abolition of ten Bishoprics to be convenient ? Do they not know, that the Clergy, almost to a man, were opposed to the abolition ? It will be said, perhaps, that the Clergy are not the only persons to decide spiritual questions, even when the number of Bishops is the subject under discussion. I fully admit it. I have said several times, that the only principle, on which Parliament could legislate at all for the Church of England, was because the lay members of that Church were represented in Parliament : but this principle can only be allowed, when the persons who vote upon such questions in Parliament, are also members of the Church of England. It might be conceded, for the sake of argument, that a question affecting merely the temporalities of the Church, may be decided by Parliament, as it is at present constituted ; though the Church of England is,

perhaps, the only church which would concede even this. But I contend, that there never was a greater outrage upon the rights of an independent Church, than when a question concerning the number of Bishops, was called a mere temporal question, and was decided by persons not belonging to the Church of England.

Is it not the office of a Bishop to watch over the souls of men? and may not souls be lost by a Bishop not being able to attend to his spiritual concerns? The question, therefore, of the number of Bishops which are necessary to watch over the souls of men, is entirely and absolutely a spiritual question. The amount of their incomes may be called a temporal question, though that is intimately mixed up with the discharge of their spiritual duties: and when Bishops receive nothing from the country, but possess estates which were originally bequeathed voluntarily by the owners, the amount of their incomes is a question of internal arrangement in the Church itself. Would Roman Catholics allow the number of Roman Catholic Bishops to be settled by Parliament? Would Wesleyans and Independents allow the number of their Ministers to be settled by Parliament? These cases are precisely the same with that of the Church of England. The Wesleyans and Independents have never consented that members of the Church of England should legislate for their body: neither has the Church of England ever consented

that Wesleyans and Independents, or Roman Catholics, or Unitarians, should legislate for the Church of England. Why is an illegal usurpation tolerated in one case, which would not be tolerated in the others?

I contend, that the Irish Church was not bound to comply with the provisions of this unrighteous Bill. If the Clergy of the diocese of Waterford had elected a Bishop according to the forms of the primitive Church, and if the Primate of Ireland had thought fit to consecrate him, he would have been as much a Bishop of the United Church of England and Ireland, as any of the Bishops appointed by the Crown. But Roman Catholics and Dissenters have decided it to be convenient that the Irish Church should henceforth have fewer Bishops : and thus the Church, in the language of Mr. Binney, is “ bound and fettered and enslaved.” But will she not burst her bonds? Will not her Clergy rise from one end of the country to the other, and tell the Legislature, in a voice which cannot be mistaken, that they will not allow Dissenters from her creed, to dictate to her in matters of religion? How long shall our modern Uzahs be allowed to lay their unhallowed hands upon the ark of our Zion? It is time to assert our rights. It is time to act upon the principles, which Dissenters have so ably vindicated, to demand a liberty of conscience, and the power of legislating for ourselves.

I am no advocate for violence or factious opposition. I have been brought up in the old fashioned notion, that Christians are to try to obey the powers that be. But I have also been taught, that liberty of conscience is the birthright of Englishmen. Though Parliament has now no constitutional right to legislate for the Church of England, I would cheerfully submit to its enactments, when they are for the good of religion. Let such Bills be passed as that brought in by Lord Harrowby for enforcing residence, and for the maintenance of curates, and I will not stop to inquire whether it was brought in by a layman, and whether Dissenters voted upon it. But if Dissenters proceed, as they have hitherto done, in violating their own fundamental principles, and in interfering with the concerns of another church, though they will allow no interference with their own, there are no laws of God or man which require the Clergy to submit. If the House of Commons should undertake to alter the Liturgy, and if a Prayer-book thus made for the use of the Church of England should be sanctioned by an Act of Parliament, I state candidly and openly, that I shall not use it, unless my Diocesan should order me. There is no power in the State to make me use it. The Act itself would be null, a mere piece of waste paper : and if all members bring forward the motions, for which they have given notice, the next Session will perhaps produce many such sheets of waste paper, printed at the

expense of the country. Thus Mr. Faithful, who is a Dissenter, and who is not reported to have blushed when he said, "I hate the Establishment,"* has given notice of two motions ; one, for a Bill to regulate, and render more equal, the incomes of the Bishops ; the other, to do the same for the Clergy. If these Bills should in the slightest degree affect the spiritual duties of the Bishops, Parliament, as at present constituted, has no power to pass them. Neither are the incomes of the Bishops under the control of the present Parliament, (though they may have been so formerly,) unless the principle is established, that the incomes of all ministers of religion are under the control of Parliament. I wholly deny, that the Church of England has any prescriptive or exclusive right to be pillaged. If Dissenters may take part in deciding what is the proper income of a Bishop, members of the Church of England may take part in deciding, what is the proper income of a Dissenting minister. The Bishops have a more ancient, and perhaps a more settled income than the Dissenting ministers : but the one was in its origin as much a voluntary offering as the other ; and length of time ought rather to strengthen the tenure on which the Bishops and Clergy held their property. †

* "If a man say, I love God, and hateth his brother, he is a liar."

1 John iv. 20.

† There is in my parish a piece of land, which is the property of

Notice of another motion has been given by Colonel Williams, for leave to bring in a Bill for the Reform of the Church, and for the appointment of a Commission for its execution. I am not afraid of being abused as an enemy of Reform. My sentiments upon the question are before the public, and I have no wish to shrink from them : but the fantastic notion never passed across my mind, that persons not connected with the Church were to effect its reform. The House of Commons, as at present constituted, cannot entertain this question. Dissenters cannot assist in reforming a Church, to which they do not belong : and if they abstain from the discussion, their constituents, who belong to the Church of England, are not represented. Whether the Church of England would gain or lose by becoming independent of Parliament, is a question which Dissenters would have no difficulty in answering : but it is closely connected with the subject originally proposed for discussion, the separation of the Church from the State ; and it leads us to ask another question, for which my readers are perhaps not prepared, whether the

a meeting-house in an adjoining parish. There is also land which belongs to my own parish church, as well as land and tithes belonging to myself as Rector. I would thank any lawyer to tell me, what is the difference, as to tenure, between these three parcels of land. If the parcel belonging to the Rector is "the property of the country," whose property is that which now belongs to the meeting-house ? Let the Dissenters beware lest they prove too much.

separation of Church and State has not already taken place ?

I may here repeat the observation made above, that the two terms *Church* and *State* are liable to be used ambiguously ; and many persons speak of the union of Church and State, without attaching any very definite ideas to the words. The term *Church* in this expression is perhaps the most easy to be defined : and it certainly does not mean merely the Clergy, though this is one of its senses, and though Lord Henley and other writers upon Church Reform have run into this fallacy. The Church (as we apply the term in this country) means all those persons, lay and clerical, who call themselves members of the Church of England, and who profess to receive her Articles and Liturgy. It is also essential to remember, that this Church existed before her present Articles and Liturgy were framed ; and if the whole body should agree in altering the Articles and Liturgy, it would still continue the same Church. We must now inquire, what is meant by this Church having become united with the State ; or rather, what is meant in this expression by the term *State*. When we speak of the State, we sometimes mean the whole community, and the word is nearly synonymous with *realm* ; as when we speak of all the people of the state, or of the realm. In this sense, the Church and the State were united for many centuries, and from the first moment of the whole country being

converted to Christianity ; though I have endeavoured to shew, that this union was not the result of any formal compact, but was naturally and necessarily the case, when every member of the State or realm professed the same religion and belonged to the same Church. In this sense, the union of Church and State cannot be said at present to exist ; for every member of the State or realm is not a member of the same Church.

But the term *State* is used in another sense for the civil power, either legislative or executive, but most commonly for the two united, and the term is nearly synonymous with the Legislature or Government. It conveys the idea of that power, wherever it resides, which makes laws to be binding on all the community ; and in England the State may be said to mean the King and his Parliament. In this sense also, the Church and the State were united for many centuries : for not only were the King and his Parliament members of that one Church which comprised the whole country, but all laws relating to religion were confirmed by the King and Parliament, and every person was bound to obey the Legislature in spiritual as well as temporal matters. The question now presents itself, whether the Church and the State can be said still to be united in this sense ; it being remembered, that the Church does not mean, as formerly, all the persons in the country calling themselves Christians, but those persons only who con-

form to the Church of England. The King is certainly united to the Church, for he is not only a member of it, but the Head of it. But the King is not the State, and cannot make laws without the concurrence of Parliament: and if the union of Church and State depended upon every member of the Legislature being also a member of the Church, we could only conclude that the Church and the State are not united; for there is no limit to the number of Dissenters who may sit in Parliament.

This however does not seem to be the meaning of the union between Church and State, which rather means that the Clergy and the Legislature together can make laws about religion, which shall be binding upon the community. The union of Church and State is not the same thing with the union of Religion and the State, though the two expressions are often confounded. Religion and the State may be said to be united, when the State encourages Religion, and enforces it by laws: and where the Christian religion is the one thus supported, the Church and State may in one sense be said to be united: for the term *Church*, in its widest sense, means the universal Church, or whole body of believers in Christ. But this would be an equivocal meaning, and is not what is generally implied by the union of Church and State, which means that the State supports by its laws one particular Church, or one form of Christianity to the exclusion of others: and if we add to this notion,

that these laws are binding upon all persons who are bound by the laws of the State in civil matters, we shall perhaps have the fullest and most correct idea of the union of Church and State.

Such an union of Church and State undoubtedly existed in this country formerly, when every member of the State or Legislature was also a member of the Church, and when the Clergy and Parliament had a concurrent power of enacting laws in spiritual matters which were binding upon the whole community. But can the same union be said still to exist, when every member of the State is not necessarily a member of the Church, and when the Clergy and Parliament together have not the power of binding the whole community in spiritual matters? The Dissenters seem to think that the union does still continue, for they are louder than ever in their demands that Church and State should be separated: and it is this which leads me to call upon them to state explicitly what they mean by the union of Church and State, and to point out the process by which the separation can be effected. I am aware, that the Dissenters are not the only persons, who consider the Church and the State to be still united, and who contemplate their separation. Mr. Wilks, the Member for Boston, has published a letter to the Bristol Dissenters, in which he assures them that, “the opinion of *the Government*” is, that “any immediate and urgent attempt at the severance of the Church and State would

utterly fail." My question is therefore likely to be answered, if not by the Government, at least by the member for Boston in the present session : but perhaps the Government knew nothing of this "opinion" till they saw it in Mr. Wilks's letter. It might have been thought, that the Dissenters, instead of uttering complaints and making demands, would have felt that they had already gained even more than they could possibly have expected. They demanded equality, and they have obtained superiority. So completely have they turned the tables upon the Church of England, that not only has the Church no power to get laws passed which bind Dissenters, but Dissenters have themselves power to vote upon laws which bind the Church of England. Thus Mr. O'Connell can give his vote for diminishing the number of Bishops in the Church to which I belong ; but my representatives in Parliament have no power to vote for diminishing the number of Bishops in Mr. O'Connell's Church. Mr. Faithful, who hates the Establishment, and who was once, if he is not still, a dissenting preacher, can give his opinion and his vote for reforming the Church of England : but no member of the Church of England can interfere in reforming the *church*, in which Mr. Faithful is or was a preacher. Surely the Church of England ought rather to be the complaining party. If the Church and State are united, let us see them seated side by side : but let not the union consist in the Church being fastened

to the chariot wheels and dragged in the dust, while the state equipage is driven by Dissenters.

We will suppose, however, that the Dissenters have brought their Bill into Parliament, and carried it ; that the Church and the State are separated by law. What will be the consequences of the separation to the Church and the State ? Mr. Binney has told us, that the Church of England will thenceforth become “ an Episcopal denomination, on a perfect equality with every other.” We shall be allowed therefore to retain our Bishops ; and as I am not now arguing with thieves, I shall add, that we shall be allowed to retain our present endowments. But Mr. Binney has perhaps not considered all the consequences of his measure : some of which I shall proceed briefly to state, though rather as proposing questions for the decision of others, than as attempting to answer all of them myself.

The first and most important question is that which relates to the King, as Head of the Church of England. Dissenters will probably allow, that the King is, and may still continue to be, the Head of the Church of England, if the members of that Church agree to it : but they will, of course, restrict the Church of England to “ the Episcopal denomination : ” and what then is to become of those Acts of Parliament, which give to the King the adjudication of all causes, spiritual as well as temporal, within his dominions ? All the King’s

subjects are, at present, bound by the letter of these Acts: and this leads to the still more general question, whether all the Acts of Parliament, which assume the Church to be united to the State, will be *ipso facto* repealed? and whether the Church will henceforth be at liberty to obey those Acts or no, as she thinks fit. If this is not the case, the Church, i. e. the Episcopal denomination, is as much united to the State as ever: she will still be “bound and fettered and enslaved;” she will still be bound by laws, to which she gave no consent, and which were passed, in part, by the votes of Dissenters.

The religious part of the ceremony of the Coronation will, perhaps, in future, be dispensed with: and to avoid any awkwardness which might arise as to precedence between an Archbishop or Bishop, and a Dissenting Minister, the King may be crowned by the Lord Chancellor, or the Lord Mayor of London: but what is to be done with the Coronation oath? As the law now stands, the Sovereign is asked by the Archbishop, “Will you preserve unto the Bishops and Clergy of this realm, and to the churches committed to their charge, all such rights and privileges, as by law do, or shall appertain unto them, or any of them?” to which he answers, “All this I promise to do.” Is this oath to be repealed or altered? Or if it is not altered, what meaning is henceforth to be attached to the word “Clergy?” The Church of

England being only an “Episcopal denomination,” all Ministers, and Preachers, whether ordained or no, whether appointed by themselves or others, will, perhaps, be considered *Clergy*: and so they will all have their rights and privileges preserved, which will be a great gain to the Clergy of the Episcopal denomination. At present the King is not considered to violate his Coronation oath, when he does not preserve the rights of the Bishops and Clergy: that is, when he gives his consent to a Bill for reducing the number of Bishops, although the Bill has not obtained the consent of the Clergy or Laity: the Clergy, therefore, have not their privileges preserved to them, but are bound to obey a statute which did not originate with them, as all statutes about religion ought to do, and which was debated in an assembly containing several persons who do not belong to the Church. When the Church is separated from the State, the Clergy will regain the privilege of settling these matters for themselves, and they will be able to propose measures to the lay members of their own communion, which both parties may agree to or no, without being obliged to submit to the interference of the Dissenters.

Another very important question will be raised concerning the patronage in the gift of the Crown. If the King should cease to be Head of the Church by Act of Parliament, will he, in future, present to Benefices in his public or private capacity; that

is, will he do so by his own personal act, as a private patron, or will he continue to do it through his responsible advisers? If he is merely Head of the Episcopal denomination, because that denomination has chosen him to be so, there seems no reason why the Lord Chancellor should be keeper of his conscience in the disposal of livings: or rather, there is no reason why the Episcopal denomination should allow him to be so. The King will no longer have the appointment of Bishops as a matter of prerogative, for the Church and the State will be separated: and the Episcopal denomination must not be exposed to interference in the appointment of its Ministers, any more than any other denomination. With respect to private patronage, the owners of advowsons seem already in some danger: for the doctrine, that the property of the Church belongs to the country, can only be interpreted to mean, (as far as it applies to livings) that all the advowsons, which are now supposed to belong to private patrons, belong really to the country, and may be applied to the purposes of the State. When the Church and the State are separated, this notion will, of course, be abandoned: or, if the State can still claim the property of the Episcopal denomination, it will be able to claim the property of all denominations; for the grand principle of the Dissenters is, that all denominations should stand in the same relation to the State; none is to be favoured more than another,

and, of course, none is to be pillaged more than another. Private patrons will, however, remember, that when the Church is separated from the State, she will make her own regulations as to the qualifications of Incumbents: and if Bishops refuse to institute to a living which has been bought and sold, there will be no power in the State to compel them to do so. The question of Church Reform would be much more simple, if patrons could be brought to feel, that they hold a trust for the benefit of men's souls, and not for their own pockets.

Some persons will perhaps think, that the ejection of Bishops from the House of Lords will be an immediate consequence of the separation of Church and State: but it ought first to be shewn, that the Bishops sit in the House of Lords in consequence of the union of Church and State. We often hear it said in the present day, that the three estates of the realm are the King, Lords, and Commons: and such a statement may do very well to amuse the newly-elected members of the Reformed Parliament, whose occupations may be supposed to hinder them from studying the constitutional history of their country. But a little reading would tell them that the three estates are the Lords Spiritual, the Lords Temporal, and the Commons: and since the Bishops sat in Parliament before the House of Commons had any existence, it would be difficult to prove, that the Constitution gives to the

House of Commons any power to bring in a Bill for depriving Bishops of their seats. I am aware that the step was once taken, in the year 1642. But Bishops were not the only persons who were deprived of their seats during that unsettled period : and a parliamentary lawyer would hardly draw his precedents from those times. The Bishops were restored to their bishoprics and to their seats in Parliament in the year 1660 : that is, the Act of 1642 was then reversed : but there is a question, whether legally and constitutionally they ever lost their seats. The same power, which ejected Bishops from the House of Lords, ejected also the King from the throne : and it was decided by Act of Parliament, that there should no longer be a King of England. Nevertheless, when Charles II. returned in 1660, that year was not called the first, but the 12th year of his reign : so that the law and the constitution have recognized him as King during the whole of that period, when according to Acts of Parliament he was not King. In the same manner it might be argued, that the Bishops had seats in the House of Lords during the whole period from 1642 to 1660, though they were unconstitutionally hindered from exercising their right of sitting.

I perceive that Mr. Rippon, the member for Gateshead, has given notice of a motion to bring in a Bill to remove the Bishops from Parliament by repealing the Act of the 13th of Charles II. :

but if this Act was repealed, it would perhaps not follow, that the Bishops were removed from Parliament. If Mr. Rippon thinks that they sit in the House of Lords by virtue of that Act, he is very unfit to bring a Bill into Parliament : and I should wish to put this question to the law-officers of the Crown, whether the King has not a right to summon spiritual, as well as temporal, peers to Parliament, if he so think fit.

The questions, which I have proposed, are among the most important which would arise out of the separation of Church and State. Many others would also present themselves ; and some thousands of Acts of Parliament would probably require to be altered, or at least to have some of their terms interpreted in a sense totally different from what they have hitherto borne. I will only mention the terms spiritual person, or person in holy orders, or parson, or priest, or clergy, wherever such terms occur. These words have hitherto had a fixed and definite meaning, being restricted to persons Episcopally ordained, according to the forms of the Church of England. When that Church becomes merely the Episcopal denomination, and on a level with all other denominations, it must be settled by Act of Parliament, that every preacher of the Gospel is a spiritual person. It will be difficult indeed to give a definition, which is sufficiently comprehensive. Some preachers are commissioned by nobody but themselves. Many have no kind of

parochial cure, but merely preach a weekly sermon, and are engaged on all the other days in the most secular occupations. With the Quakers, either there are no spiritual persons, or all their members must bear that title, and females as well as males. There are other sects, in which women claim "the liberty of prophesying:" and in these times of equal rights, when there is to be no exclusiveness in matters of religion, I cannot see that the male sex is justified in appropriating the clerical title to itself. When the Church is separated from the State, it must be understood that all persons, male or female, are to be considered by law as "spiritual persons," who declare themselves to be so. Any definition less general or comprehensive than this would give an undue preference to some denominations over others.

I have now brought my remarks to a close. The reader will perceive, that in many cases I have rather started doubts, than attempted to solve them. From the first I have professed myself ignorant of what is meant by Dissenters, when they demand a separation of Church and State. If I have seemed to say, that they are separated already, I do not mean, that they have been separated by any formal act; but that a large portion of the community has withdrawn from the Church, and is not bound in matters of religion by any Acts of the State. The Church of England must still be said to be united with the State; and the ques-

tion remains, whether it is expedient for them to be separated.

In discussing this question, I should take higher ground than the Dissenters, who talk of effecting the separation by applying to Parliament : whereas I contend, that the Church of England has herself the power of separating from the State. If the State consists in part of Roman Catholics and Dissenters, I wholly deny, that these persons have any right to give an opinion or a vote in matters relating to a church, to which they do not belong. If a Bill was to be past affecting the Church, without the consent of the clergy, and enacted in part by the votes of Dissenters, and if my Diocesan should give me instructions at variance with this Bill, I should obey my Diocesan rather than the Act of Parliament. I cannot look to history without feeling convinced that the union of Church and State is a blessing to a country : but I can conceive circumstances to arise, which may make the separation desirable and even necessary. As a Protestant, I cannot wish to see the Church and the State united in France, if by the Church we mean the religion which used to be established there, and if the State is to exert itself in hindering every other religion. In our own country the separation of Church and State might become desirable from other causes ; as for instance, if the State, instead of supporting the Church, acts in hostility to it, and deprives it of the liberty

which every other Church enjoys. I would never defend the union of Church and State, merely because it gives to my own Church exclusive privileges, but because I believe it to be a means of upholding religion, and of extending Christ's kingdom upon earth. If the Church is crippled in its energies by being united to the State ; if the legislature, instead of advancing religion, should retard it ; if the Church is forced against her will to submit to regulations which she knows to be bad ; not only has she a right, but it is her duty, to assert her independence, and to act for herself.

One of my objects in writing these remarks is to induce my brethren of the Church of England, whether lay or clerical, to consider the anomalous position in which our Church is placed ; to see, how completely we have lost the power of making laws for ourselves ; and then to observe, whether the body which legislates for us, exercises its power judiciously and religiously. I confess candidly, that I cannot look upon the present House of Commons as a religious body. The Dissenters, who have seats there, and who have voted upon measures connected with the Church of England, have lost all title to confidence, by thus violating their own fundamental principles. Those of their constituents, who belong to the Church of England, are, in fact, unrepresented upon questions of religion : and the unwillingness to allow the Bishops even to have a voice in a matter which intimately

concerned the Church, can only be taken as an acknowledgment that the case would not bear investigation. And yet these are the persons, who legislate for the Church of England! If I could feel certain, that the only consequence of a separation of Church and State would be our getting rid of the interference of the House of Commons, I could hardly, as a friend to the Church and to Religion, continue to wish for their union.

In conclusion, I have only to obviate one remark. It may be said to follow from the principles laid down in the preceding pages, that there is no power *anywhere* to legislate for the Church of England, and that consequently all alteration and reform are impossible. I have said, it is true, that Parliament, as at present constituted, has no authority to bind the members of the Church of England in matters of religion: and such is my deliberate opinion. I have said, that, according to the ancient practice, and even the present theory of the Constitution, all measures affecting religion originate with the Clergy, and are made binding upon the community by receiving the sanction of Parliament: but Dissenters have assumed the right of refusing to be bound by these laws: and I would simply ask, why may not members of the Church of England assume the same right? There are many points affecting the Clergy, in which Parliament even now does not exercise the slightest control, and has no power to exercise it. The

mode of examining candidates for orders is entirely at the discretion of the Bishops : and if a candidate is rejected, the patron, who would have presented him to a living, can get no redress. This is only one instance out of many : and if the Church is in such cases independent of the legislature, it is very difficult to say, where this independence ends, and the right of interference begins. The Dissenters have settled the question for themselves, and resist all interference. Let the House of Commons treat the Dissenters, as it has treated the Church of England, and it will not find the same patient submission. But the Church of England may perhaps regain its liberty, without having recourse to any violent measures ; and I will attempt to answer the question, whether there is at present any power of legislating for the Church of England.

I conceive that the Church may be extricated from its present awkward position by the King, who is Head of the Church. He has power to grant a commission for settling, or at least for investigating, any ecclesiastical matters ; and there never perhaps was a time, when the Head of the Church could exercise this power more reasonably or beneficially. In the Preamble to the Act of Uniformity, which was passed in the 14th of Charles II., the following passage occurs, which shews the course of proceeding adopted at that period, and might furnish an useful precedent at present :

“ The King’s Majesty granted his Commission, under the great seal of England, to several Bishops and other Divines, to review the Book of Common Prayer, and to prepare such alterations and additions, as they thought fit to offer; and afterwards the Convocations of both the Provinces of Canterbury and York, being by his Majesty called and assembled, (and now sitting) his Majesty hath been pleased to authorize and require the Presidents of the said Convocation, and other the Bishops and Clergy of the same, to review the said Book of Common Prayer; and that after mature consideration, they should make such additions and alterations in the said books respectively, as to them should seem meet and convenient; and should exhibit and present the same to his Majesty in writing for his further allowance or confirmation; since which time, upon full and mature deliberation, they the said Presidents, Bishops, and Clergy of both Provinces, have accordingly reviewed the said Books, and have made some alterations, which they think fit to be inserted to the same.—All which his Majesty having duly considered, hath fully approved and allowed the same, and recommended to this present Parliament, that the said Books of Common Prayer, &c., with the alterations and additions, which have been so made and presented to his Majesty by the said Convocations, be the book which shall be appointed to be used by all that officiate in all cathedral and collegiate churches, &c.”

It may be well to add to this document, that when the Bill came down to the House of Commons from the Lords, the question was put, Whether debate shall be admitted to the Amendments made by the Convocation in the Book of Common Prayer, and sent down by the Lords to this House : and the question was decided *in the negative* ; though it was also decided at the same time, that the amendments might have been debated.

Such was the feeling of the House of Commons in those days, when a measure affecting religion was brought before it : but I have referred to this case for the purpose of shewing, that the King may issue a Commission for any purpose connected with the Church. If an older precedent is required, we have it in “ his Majesty’s Declaration ” prefixed to the 39 Articles, where we read,

“ That out of our princely care, that the churchmen may do the work which is proper unto them, the Bishops and Clergy, from time to time in Convocation, upon their humble desire, shall have licence under our Broad Seal, to deliberate of, and to do all such things, as being made plain by them, and assented unto by us, shall concern the settled continuance of the doctrine and discipline of the Church of England now established, from which we will not endure any varying or departing in the least degree.”

I am no advocate for the meeting of Convocation, in which I can see many inconveniences ; but dio-

cesan synods, where each Bishop might meet his own clergy, might be productive of much good. Some lay members might also attend these synods, and thus the interference of Parliament might be altogether unnecessary. The first step which seems requisite is a royal commission to "several Bishops and other Divines," as in the time of Charles II., who might deliberate upon the best method of ecclesiastical legislation. The whole question of Parliamentary interference, and of the right of Dissenters to vote upon Church matters, would come before these Commissioners; and it would perhaps be decided, that the Church would in future legislate for herself, without allowing any dictation from the civil power. If in the mean time the Dissenters should gain their object of obtaining a formal separation of Church and State, there will be no farther difficulty; Parliament will then have no more power to legislate for the Church of England, or rather for the Episcopal denomination, than for Dissenters; and the House of Commons is certainly a very unfit place for theological discussion.

Whether the Church of England is left to legislate for herself, or whether she is still forced to submit to Acts of Parliament, her Ministers have one plain course before them, which is, to watch for the souls of men, as they who must give an account. If their great object is to spread the Kingdom of Christ, they will be as far from gain-

ing that object by intolerance and violence, as by indolence and neglect. They will sometimes meet with Dissenters like Mr. Faithful and Mr. Binney, whose hearts are still untouched by the charity of the Gospel, and whose conversion is not to be effected by human means. But even such cases are not hopeless, if Christians will unite in prayer : and my knowledge of Dissenters leads me to say with confidence, that for one instance of such deep and bitter hostility, we may meet with hundreds of persons who differ from the Church of England, but who feel towards her no ill-will, and would sincerely lament her destruction. The common object in which we are embarked, can never be injured by our being ready to give the right hand of fellowship to all who differ from us. The great principles of Gospel truth must not be compromised. The doctrines of Justification by Faith, and of Sanctification by the Spirit, must not be explained away, or reduced to a name : but while I think that the Church of England is most likely, by the blessing of God, to plant these doctrines in the hearts of men, I am not insensible that the Master may have admitted other labourers into His vineyard, to stimulate our exertions and reanimate our zeal. Churchmen and Dissenters may soon have to unite against the common enemy. We may soon have to answer the question, Who is on the Lord's side ? and if my clerical brethren, who chance to read these pages, should remember any

portion of them, I hope it will be the sentence, with which I shall conclude, that if we wish our Church to prosper, we must be at peace among ourselves, and in charity with those who are without.

THE END.

BY THE SAME AUTHOR,

THE

ECCLESIASTICAL HISTORY

OF THE

FIRST THREE CENTURIES,

FROM

THE CRUCIFIXION OF JESUS CHRIST TO THE YEAR 313.

In Two Vols. Octavo.

£1. 2s. 6d.

OXFORD:—J. H. PARKER.







